

EXHIBIT D

California Planned Parenthood Education Fund

August 1, 2018

U.S. Department of Health and Human Services
Freedom of Information Officer
Hubert H. Humphrey Building, Room 729H
200 Independence Avenue, SW
Washington, D.C. 20201

RE: Freedom of Information Act Request Regarding Propose Rule RIN: 0937-ZA00

Dear Freedom of Information Officer:

Pursuant to the Freedom of Information Act (FOIA), 5 U.S.C. § 552, as amended, and its implementing regulations, I hereby make this request for records on behalf of the California Planned Parenthood Education Fund (CPPEF). In CPPEF's comment letter to HHS submitted on July 30, 2018, CPPEF outlined the far-reaching and devastating impact this Proposed Rule would have on California's most vulnerable women. The consequences of the Proposed Rule include a disparate impact on the health of poor women, communities of color and rural communities as the rule would block their access to reproductive healthcare and family planning. As such, it is crucial that HHS be transparent about the justification for this sweeping rule proposal and the process by which the rule is finalized. CPPEF therefore respectfully requests that the U.S. Department of Health and Human Services (HHS) produce a copy of all of the following records (in electronic format, or print versions if electronic versions are not available). References to HHS are intended to include all divisions within HHS, including the Office of Population Affairs, the Conscious and Religious Freedom Division and any other federal agency or division which played a role creating the Rule Proposal:

Records related to the process for receiving, tracking, grouping and determining whether to publicly display comments submitted in response to RIN: 0937-ZA00:

1. A list of all comments received identified by name of individual, organization, or agency submitting the comment, the date the comment was received, whether it was displayed publicly on regulations.gov, and if so the date the comments were publicly displayed on regulations.gov.

2. The total amount of individual comments received between June 1, 2018 and July 31, 2018, and how many of the individual comments were duplicate/near duplicate examples of a mass-mail campaign.
3. All communications, including e-mails, text messages, phone logs, messages conveyed through internal messaging software and meetings (including names of attendees and calendar description) discussing the process for tallying, grouping and tracking of comments between May 1, 2018 and August 1, 2018. Included in this request is all internal communications between and amongst HHS employees and executive staff, management, outside consultants or members of the public.
4. Any information, memorandum, or instruction describing the method by which comments would be grouped for purposes of consolidation.
5. Any communications, including e-mails, text messages, and phone logs, messages conveyed through internal messaging software and meetings (including names of attendees and calendar descriptions) relating to any decision made as to which comments would or would not be available publicly to view on Regulations.gov. As of July 31, 2018, approximately 26% of comments submitted on Regulations.gov were not publicly displayed on Regulations.gov. Please provide all documentation and communications related to any decision as to whether a comment was made public.
6. All communications, including e-mails, text messages, messages conveyed through internal messaging software and phone logs, and meetings (including names of attendees) discussing Solicitation #18-233-SOL-00600 between May 1, 2018 and August 1, 2018. Included in this request is all internal communications between and amongst HHS employees and executive staff, management, outside consultants or members of the public.
7. A list of all proposals received for Solicitation #18-233-SOL-00600, identified by name of individual, organization, or agency submitting the proposal and the date the proposal was received.

Records related to the process of developing and drafting RIN: 0937-ZA00:

8. All records related to HHS's conclusions regarding the impact of the Proposed Rule on patients.
9. The names and professional affiliation of all medical providers, including nurses and doctors, consulted in developing the Proposed Rule.

10. All records related to communications between employees of HHS with any other person or group between May 1, 2017 to June 30, 2018 concerning the creating or drafting of the Proposed Rule. This includes meeting requests, invitations, phone logs, text messages, emails, messages conveyed through internal messaging software, and meeting notes.
11. A list of all HHS employees involved in the drafting, review, or discussion about the proposed rule.
12. Any data, documents, evidence or information relied on by HHS in considering “the effectiveness of its policies enforcing statutory mandates” as referenced in the Proposed Rule.
13. Any data, documents, evidence or information relied on by HHS in its proposal to “amend the definition of ‘low income family’ to include women who are unable to obtain certain family planning services under employer-sponsored health insurance policies due to their employers’ religious beliefs or moral convictions” including any and all communications related to this amendment.
14. Any data, documents, evidence or information relied on by HHS in its proposal to include non FDA approved methods within “effective family planning services” eligible for funding, including any and all communications.
15. Any data, documents, evidence or information relied on by HHS in creating and proposing the Regulatory Impact Statement of the Proposed Rule.
16. All studies, data, evidence or other materials not cited in the Proposed Rule, that HHS considered in proposing it.

CPPEF believes that the documents sought are publicly available, of great public interest as evidenced by the high number of public comments received and the impact of the Proposed Rule, and are not exempt from required disclosure under FOIA. This request is made with the understanding that it will be forwarded to any other offices that may be in possession of the requested documents. In addition, given that disclosure of these records would be in the public interest, even if you determine that certain of the documents sought are exempt under FOIA, CPPEF requests that you disclose these documents as a matter of agency discretion. If you deny any part of this request, please cite each specific reason that you believe justifies your refusal to release the information, together with a synopsis of the records withheld. In the case of deletions, please state a reason for each partial denial of access. To expedite this request, CPPEF is willing to discuss specific

instances of deletion or other exemption claims in advance of a final decision by the agency.

Please send all requested materials to my attention, to the address provided below, within 20 days, and produce all records currently existing in electronic format on a CD, pursuant to 5 U.S.C. § 552(a)(3)(B).

Sincerely,



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